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June 6, 2005

VIA FACSIMILE TRANSMISSION
ORIGINAL MAILED

Grant Loebbs, Esquire
Twin Falls County Prosecuting Attorney
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Twin Falls, ID 83303-0126

Mayor Jim Sorenson, and
Members of the City Council
City of Kimberly
P.O. Box Z
Kimberly, ID 83341

Mayor Barbara Gietzen, and
Members of the City Council
City of Buhl
203 N. Broadway
Buhl, ID 83316

RE: Mediation-Recommendation:
Payments to Twin Falls County for amounts billed related to
SIRCOMM

Dear Mr. Loebbs, Mayors Sorenson and Gietzen, and City Councilmen:

As you know, the Idaho Emergency Communications Commission (Commission) met in Twin Falls on April 7, 2005, during which meeting each of you presented your position in mediation with regard to the above-referenced issue. Subsequently, the Commission discussed the issues and the mediation at its meeting held in Coeur d'Alene on May 4, 2005, and at its meeting in Boise on June 2, 2005. The Commission has also reviewed the written documentation provided by each of you relative to this matter.

In accordance with Idaho Code § 31-4817 and the Commission's Rules regarding mediation (IDAPA 38.06.01), this letter sets forth the recommendations of the Commission and the bases for those recommendations.

RECOMMENDATION 1

The city of Kimberly (Kimberly) and the city of Buhl (Buhl) (collectively, the cities) should contribute to SIRCOMM in accordance with a prescribed formula.



BASIS OF RECOMMENDATION 1

- The Idaho legislature has recognized that promoting consolidated emergency communications systems is vital to enhancing the public health, safety and welfare of the residents of the state of Idaho. The Commission was created by the Legislature to assist cities, counties and other districts in the establishment, management, operation and accountability of such systems. The Commission does not want to discourage anyone from using a consolidated 911 system.
- SIRCOMM is a consolidated emergency communication system and the Commission believes it is in the best interest of the residents of Twin Falls County and the cities for SIRCOMM to continue to function. The Commission also believes that it should act in a way that encourages the continued operations of such systems.
- 911 funds are for maintenance and operations (not salaries of dispatchers). The Commission believes that some level of general funds must be used for dispatcher salaries.
- The Commission believes that all residents in the county benefit from and that there is value in SIRCOMM. The Commission believes it is fair and appropriate for all county residents to pay their fair share.
- The Commission believes that an effectively functioning consolidated system will promote effective interagency communications and mutual aid.

RECOMMENDATION 2

The formula should be based on population not call volume.

BASIS OF RECOMMENDATION 2

- The Commission believes that call volume is not an appropriate method of determining amounts owed. Call volume and call characteristics are too difficult to categorize.
- A formula based on call volume could discourage use of the system because of concerns about being charged for a call that should not, strictly speaking, be ascribed to the caller or its city, for example, mutual aid calls. Twin Falls County recognized that the accuracy of the call volume approach was not indisputable and could not clearly state that the cities were not charged for mutual aid requests.
- The basic functions of a consolidated 911 system require funding regardless of the number of calls. The Commission believes that all citizens in the county benefit from and that there is value in SIRCOMM. The Commission believes it is fair and appropriate for all county residents to pay their fair share. The formula should be based on the direct benefits received by the population.
- A formula based on the number of people served in Twin Falls County is appropriate.
- An example of a formula based on a per capita charge is attached.

RECOMMENDATION 3

Twin Falls County and the cities should document their agreement with regard to payments by Kimberly and Buhl.

BASIS OF RECOMMENDATION 3

- The Commission believes that it is not appropriate for cities and counties to participate in a joint system such as SIRCOMM without written documentation in a form appropriate to the governmental entity.
- Written documentation helps clearly set forth the parties' rights and obligations and a written document will foster better relationships.

RECOMMENDATION 4

The agreement referenced above should address, at least, the following issues:

- the amount of payment and the formula used to calculate such payment amounts;
- the process for making any changes to such formula;
- a process by which Twin Falls County obtains input from the cities with regard to the SIRCOMM budget and other SIRCOMM-related governance issues.

BASIS OF RECOMMENDATION 4

- The Commission believes that one of the major “sticking points” in the disagreement between Twin Falls County and the cities is the fact that the cities are being billed and expected to pay without any input. When users are expected to pay for a service, and essentially have no or very limited choices in whether or not to use that service, to the extent possible, they should have input. In this case, where the matters involve governmental entities interacting, such input is feasible and should be pursued.

Pursuant to Idaho Code § 31-4817, the Commission’s recommendation is advisory and is not binding on the parties involved. The Commission does hope that the parties will continue discussions in the spirit of cooperation to resolve the issues between them and that the recommendations contained herein will be helpful in that regard.

Sincerely,

A handwritten signature in black ink, reading "Garret R. Nancolas". The signature is fluid and cursive, with the first name "Garret" and last name "Nancolas" clearly legible.

Garret Nancolas, Chair
Idaho Emergency Communications Commission

cc: Idaho Emergency Communication Commissioners
Twin Falls County Commission Commissioners
Daniel G. Chadwick, Idaho Association of Counties
Ken Harward, Association of Idaho Cities
SIRCOMM

Population Based Funding Formula Example¹

FY 04 Budget	Current Obligation ²	Population ³	Per Capita Charge ⁴	Per Capita Total ⁵
Twin Falls County Total	100%	67,082		289,755
MVRMC	13.20%	8,855	2.00	17,710
Cities				
Buhl	16.96%	4,019	2.00	8,038
Castleford	0.00%	277	2.00	554
Filer	7.74%	1,690	2.00	3,380
Hansen	0.00%	984	2.00	1,968
Kimberly	8.01%	2,700	2.00	5,400
Murtaugh	0.00%	141	2.00	282
Total Cities	32.71%	9,811	2.00	19,622
Fire Districts				
Buhl	0.55%	369	2.00	738
Castleford	0.14%	94	2.00	188
Filer	0.42%	282	2.00	563
Rock Creek	0.57%	382	2.00	765
Salmon Tract	0.00%	-	2.00	0
Total Fire Districts	1.68%	1,127	2.00	2,254
TOTAL DISTRIBUTED				39,586
Twin Falls County			3.73	250,169

Total Charges are dependent upon which taxing districts the individual belongs to.

Example 1: a resident of Buhl would pay approximately \$9.73 assuming they would have to pay \$2 each to MVRMC, City of Buhl, Buhl Fire District, and 3.73 in County taxes.

Example 2: a resident of Twin Falls City would pay \$5.73 + city taxes assuming they pay \$2 to MVRMC and 3.73 in County taxes.

Example 3: a resident of unincorporated Twin Falls County would likely pay \$7.72 based on \$2 to MVRMC and \$2 to a Fire District, and \$3.73 in County

¹ The Commission is not recommending this, or any other specific formula. The intent is to provide an example of a simplified population based formula from which negotiations between the effected parties may begin.

² These values are based on historical utilization rates.

³ County and City populations are based on 2003 US Census Bureau data. "Population" when used for Ambulance and Fire Districts is based on historical utilization rates (in this case only one year was used) X County population. These entities were treated differently to account for the differences between a municipality with broad services and specific service entities with limited scope and jurisdiction.

⁴ The per capita charge is intended to be negotiated and periodically updated to allow for inflationary effects. For demonstration purposes, \$2.00 was used.

⁵ The Per Capita Total is simply the "Population" X the "Per Capita Charge"